IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR. JUSTICE N.V. RAMANA

WRIT PETITION NO : 9553 of 2004

Between:
Markapuri Tirupathi, S/o.Venkat Narasaiah, R/o.H.No.15-3-213,
L.B.Nagar, Godhavarikhani, Karimnagar Dist.

..... PETITIONER

AND

1. The Commissioner & Election officer, Municipal
   Council, Ramagundam, Karimnagar Dist.
2 The Revenue Divisional officer, Peddapally, Karimnagar Dist.
3 The Mandal Revenue Officer, Ramagundam, Karimnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of Mandamus, to declare the action of the 1st respondent in not considering the nomination submitted by the petitioner for the post of councilor from 19th ward of Ramagundam Municipal council as illegal, arbitrary, void and against to the principles of natural justice and consequently direct the respondent No.1 herein to declare my nomination as valid.

For the Petitioner: MR.K.RAM REDDY, Advocate.

For the Respondent No.1: MR.R.TIMMA REDDY, S.C.

For the Respondent Nos.2 & 3: G.P. for Revenue

The Court made the following :

ORDER:

In this writ petition the petitioner seeks to assail the action of the first respondent in not considering his nomination to contest in the elections to be held on 22-6-2004 for the post of Councilor to 19th ward of Ramagundam Municipal Council, as illegal and void.

The learned Standing Counsel for first respondent-Election Officer submits that inasmuch as the petitioner is assailing the action of the first respondent in not considering his nomination to the election, his remedy is to approach the Election Tribunal and file Election petition, and certainly writ petition is not maintainable.

Inasmuch as the remedy of the petitioner lies before the Election Tribunal by way of Election Petition, this writ petition is not maintainable, and it is accordingly dismissed. The petitioner, if he so chooses, is at liberty to file Election Petition before the Election Tribunal. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner & Election officer, Municipal Council, Ramagundam, Karimnagar Dist.
2. The Revenue Divisional officer, Peddapally, Karimnagar Dist.
3. The Mandal Revenue Officer, Ramagundam, Karimnagar District.
4. Two CCs. to Govt. Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT)
5. Two CD copies
6. One spare copy